

Racism, Law, and the Social Sciences

Laws 54303, Anth 55502, Spring, 2018
Prof. Christopher Fennell

Course Objectives

The domains of racism, law, and the social sciences impact one another in myriad ways. At times, a system of racism is deployed through law, which in turn shapes questions asked in the social sciences. In other instances, the sciences articulate conceptual frameworks that lead to the creation of new forms of racism within society and law. Particular systems of racism have operated across a spectrum from incidents of overt violence to the daily impacts of implicit biases. Our readings and class discussions will consider a sample of case studies from across the globe in addition to past and present dynamics in the United States. Analyses of the social construction of racial and ethnic identities have facilitated studies of the ways in which social differences are created, maintained, and masked. Subjects to be addressed in this course include the interrelation of racial ideologies with other cultural and social dimensions, such as class, ethnicity, gender, political and legal structures, and economic influences. At an international scale, policy makers confront the challenge of balancing calls for multicultural tolerance with demands for fundamental human rights. We will also consider the related histories of biological, genetic, and epigenetic concepts of different races within the human species.

Instructor: Chris Fennell (MA, U. Pennsylvania, 1986; JD, Georgetown U., 1989; Ph.D., U. Virginia, 2003) is Associate Professor of Anthropology & Law at the University of Illinois, and a Visiting Associate Professor of Law, University of Chicago.

This class meets in Classroom B of the Law School, 1111 East 60th Street, on Tuesdays and Fridays, 1:30pm to 3:15pm.

Office Hours: Tuesdays and Fridays, 3:15pm to 4:15pm, or by appointment. My office is Room 536 of the Law School; my cell phone is 312-513-2683, and email cfennell@uchicago.edu.

I have created a course web page using the Law School's *Canvas* program. Class participants can access the course web page by logging onto the *Canvas* system for access to the course syllabus, reserve readings, and other online resources.

Course Structure

No prerequisite courses are required, and this course is designed to enable graduate students to analyze legal structures and to enable law students to understand and apply social theories and concepts in similar studies. Requirements for this course include thoughtful class participation (20%) and a final, eight-hour, take-home examination (80%). Barring illness or emergency, you are expected to attend each class session, to have done the reading, and to be ready and willing to discuss.

Class Readings

Texts

Race: Are We So Different? by Alan Goodman, Yolanda Moses, and Joseph Jones. New York: Wiley-Blackwell, 2012.

Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity, by David Hurst Thomas. New York: Basic Books, 2001 (with foreword by Vine Deloria, Jr.).

Articles on Electronic Reserve

The Class Schedule section of this syllabus provides a list of readings and sources for each class, which will be available in the two books listed above or in readings on electronic reserve in *Canvas*. Assigned articles and chapters on electronic reserve include:

Amnesty International (2013a). *Scapegoats of Fear: Rights of Refugees, Asylum-Seekers, and Migrants Abused in Libya*. London: Amnesty International Ltd.

Amnesty International (2013b). *Human Rights Here, Roma Rights Now: A Wake-up Call to the European Union*. London: Amnesty International Ltd.

Bliss, Catherine (2017). The Meaning of Health Disparities. In *Subprime Health: Debt and Race in U.S. Medicine*, edited by Nadine Ehlers and Leslie R. Hinkson, pp. 107-127. Minneapolis: University of Minnesota Press.

Channa, Subhadra M. (2005). Metaphors of Race and Caste-Based Discrimination against Dalits and Dalit Women in India. In *Resisting Racism and Xenophobia: Global Perspectives on Race, Gender, and Human Rights*, edited by Faye V. Harrison, pp. 49-66. Walnut Creek, CA: AltaMira Press.

Cheesman, Nick (2017). How in Myanmar “National Races” Came to Surpass Citizenship and Exclude Rohingya. *Journal of Contemporary Asia* 47(3): 461-483.

Darity, William A., Jr., Jason Dietrich, and Darrick Hamilton (2005). Bleach in the Rainbow: Latin Ethnicity and Preference for Whiteness, *Transforming Anthropology* 13(2): 103-109.

Dikötter, Frank (2010). Forging National Unity: Ideas of Race in China. *Global Dialogue* 12(2): 1-11.

Gomez, James (2010). Politics and Ethnicity: Framing Racial Discrimination in Singapore. *Copenhagen Journal of Asian Studies* 28(2): 103-117.

Gravlee, Clarence C. (2009). How Race Becomes Biology: Embodiment of Social Inequality. *American Journal of Physical Anthropology* 139: 47-57.

- Hanchard, Michael, and Erin A. Chung (2004). From Race Relations to Comparative Racial Politics: A Survey of Cross-National Scholarship on Race in the Social Sciences. *Du Bois Review* 1(2): 319-343.
- Hollinsworth, David (2010). Racism and Indigenous People in Australia. *Global Dialogue* 12(2): 1-11.
- Jain, Devaki (2005). Finding Strategic Identities in an Unequal World: Feminist Reflections from India. In *Resisting Racism and Xenophobia: Global Perspectives on Race, Gender, and Human Rights*, edited by Faye V. Harrison, pp. 35-45. Walnut Creek, CA: AltaMira Press.
- Kahn, Jonathan (2011). BiDil and Racialized Medicine. In *Race and the Genetic Revolution: Science, Myth, and Culture*, edited by Sheldon Krinsky and Kathleen Sloan, pp. 129-141. New York: Columbia University Press.
- Kushen, Robert (2010). Intolerant Europe: The Drive against the Roma. *Global Dialogue* 12(2): 1-11.
- Rana, Junaid (2013). Muslims in the Global City: Racism, Islamophobia, and Multiracial Organizing in Chicago. In *Reinventing Race, Reinventing Racism*, edited by John J. Betancur and Cedric Herring, pp. 225-239. Leiden, Netherlands: Koninklijke Brill.
- Parry, Marc (2017). The Scholars Behind the Quest for Reparations. *Chronicle of Higher Education*, Nov., 33-37.
- Santos, Ricardo V., and Marcos C. Maio (2004). Race, Genomics, Identities and Politics in Contemporary Brazil. *Critique of Anthropology* 24(4): 347-378.
- Silverstein, Paul (2005). Immigrant Racialization and the New Savage Slot: Race, Migration, and Immigration in the New Europe. *Annual Reviews in Anthropology* 34: 363-384.
- Sundstrom, Ronald B. (2010). Sheltering Xenophobia. *Global Dialogue* 12(2): 1-8.
- Torpey, John, and Maxine Burkett (2010). The Debate over African American Reparations. *Annual Review of Law and Social Science* 6: 449-467.
- Travassos, Claudia, and David R. Williams (2004). The Concept and Measurement of Race and their Relationship to Public Health: A Review Focused on Brazil and the United States. *Cadernos de Saúde Pública* [Reports on Public Health], Rio de Janeiro 20(3): 660-678.

Class Schedule

**Tuesday
March 27**

Course overview.

The American Anthropological Association confronts race and racism.

Race: Are We So Different? Chapters 1 and 2, creating a concept of race.

Please read this book, published by the American Anthropological Association, with a critical eye. This text is one of the results of a several-million-dollar initiative by the AAA to address issues of race and racism. This multi-disciplinary project received funding support from the Ford Foundation and National Science Foundation, among other organizations. The initiative created a traveling museum presentation of interviews and related exhibits, this book, pedagogical materials, and in-depth web sites. Millions of visitors have engaged with the traveling exhibit at numerous museums nationwide. You can visit one version of the exhibit at the Chicago History Museum through July 15, 2018.

As we will discuss in class, anthropology is a social science discipline with a great amount to atone for in the history of racism. A variety of scientists who can be categorized as anthropologists contributed to the promotion of racism in the United States in the late 1800s and early 1900s. This first book that we will examine in class provides an overview of biological, legal, and cultural concepts of racial categories, and represents a primary effort by the AAA in addressing the discipline's historical entanglements with systems of racism.

**Friday
March 30**

Race: Are We So Different? Chapters 3 and 4, race concepts and mismeasures of humanity.

**Tuesday
April 3**

Race: Are We So Different? Chapters 5 and 6, inventing whiteness, domains separate and unequal.

**Friday
April 6**

Defining race and racism: From case studies to broader, analytic frameworks.

Race: Are We So Different? Chapters 7, 8, and 9, human biological variation, complexions, genomics.

Bliss, *The Meaning of Health Disparities* (2017) (article on electronic reserve in Canvas).

**Tuesday
April 10**

Race: Are We So Different? Chapters 10 and 11, human biological variation, complexions, genomics, and epigenomics.

Gravlee, *How Race Becomes Biology* (2009) (article on electronic reserve).

**Friday
April 13**

Issues of racism, structural impacts, and remedial initiatives.

Race: Are We So Different? Chapters 12, 13, and 14, race, racism, the census, and education.

Kahn, *BiDil and Racialized Medicine* (2011) (article on electronic reserve).

**Tuesday
April 17**

Race: Are We So Different? Chapters 15, 16, and 17, racism, wealth differentials, health disparities, and concluding observations.

Torpey and Burkett, *The Debate over African American Reparations* (2010); Parry, *The Scholars Behind the Quest for Reparations* (2017) (articles on electronic reserve); Mauro, *Students of History* (2018) (suggested only; on electronic reserve).

**Friday
April 20**

Racism, Native Americans, and struggles for sovereignty and identity.

Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity, chapters 1-6, names, images, scientific racism.

**Tuesday
April 24**

Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity, chapters 7-11, craniometrics, desecrations, assimilation, social evolution theories.

**Friday
April 27**

Populations, cultures, and sovereignty over tangible and intangible heritage.

Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity, chapters 12-17, distorted histories, debating migrations to the Americas, 1906 Antiquities Act.

**Tuesday
May 1**

Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity, chapters 18-24, shape-shifting racism, new assimilation strategies, 1934 Indian Reorganization Act, 1990 Native American Graves Protection and Repatriation Act, and sovereignty struggles.

Hollinsworth, *Racism and Indigenous People in Australia* (2010) (article on electronic reserve), a comparative history of indigenous struggles.

**Friday
May 4**

From physical phenotypes to racial politics of culture.

Hanchard and Chung, *From Race Relations to Comparative Racial Politics* (2004) (article on electronic reserve).

Debates on Human Rights and Multicultural Tolerance.

**Tuesday
May 8**

Case studies of racism and discrimination against the Dalits of India and Roma of Europe.

Channa, *Metaphors of Race and Caste-Based Discrimination against Dalits* (2005) (article on electronic reserve).

Jain, *Finding Strategic Identities in an Unequal World* (2005) (article on electronic reserve).

Kushen, *Intolerant Europe: The Drive against the Roma* (2010) (article on electronic reserve).

Amnesty International, *Human Rights Here, Roma Rights Now* (2013b) (article on electronic reserve).

Silverstein, *Immigrant Racialization and the New Savage Slot* (2005) (article on electronic reserve).

**Friday
May 11**

Case studies of race, color, and indigeneity in Latin America: Examples from Brazil, Cuba, Dominican Republic, Haiti, Mexico, and Puerto Rico.

Darity, Dietrich, and Hamilton, *Bleach in the Rainbow* (2005) (article on electronic reserve).

Santos and Maio, *Race, Genomics, Identities and Politics in Contemporary Brazil* (2004) (article on electronic reserve).

Travassos and Williams, *The Concept and Measurement of Race and their Relationship to Public Health* (2004) (article on electronic reserve).

**Tuesday
May 15**

Nationalism, ethnicity, and racism in China, Singapore, and Myanmar.

Dikötter, *Forging National Unity: Ideas of Race in China* (2010) (article on electronic reserve).

Gomez, *Politics and Ethnicity: Framing Racial Discrimination in Singapore* (2010) (article on electronic reserve).

Cheesman, *How in Myanmar “National Races” Came to Surpass Citizenship and Exclude Rohingya* (2017) (article on electronic reserve).

**Friday
May 18**

Xenophobia, immigration, and refugee abuses.

Sundstrom, *Sheltering Xenophobia* (2010) (article on electronic reserve).

Rana, *Muslims in the Global City* (2013) (article on electronic reserve).

Amnesty International, *Scapegoats of Fear: Rights of Refugees, Asylum-Seekers, and Migrants Abused in Libya* (2013a) (article on electronic reserve).

Concluding observations.

Additional Resources

If you are interested in reading further on particular topics, I have also compiled bibliographies of additional print sources and a list of internet resources related to subjects of racism, racialization, social science investigations of legal structures, and social norms. These source lists, with links provided below, are not required readings and are provided only as suggested, additional resources should you be interested.

[Sources on Racism, Law, and Social Sciences;](#)

[Sources on Anthropology and Law;](#)

[Sources on Social Norms and Law;](#) and

[Sources on Analysis of Social Group Identities.](#)

[last updated April 30, 2018]